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09/586,740	06/05/2000	David A. Bishop	MSFT-0196	8651

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EXAMINER
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COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/20/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/586,740

Applicant(s)

BISHOP ET AL.

Examiner

Scott M. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06/05/2000, 09/16/2003, and 10/30/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,21-29,62-75 and 90-118 is/are pending in the application.
- 4a) Of the above claim(s) 7-20,30-61 and 76-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,21-29,62-75 and 90-118 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Election Requirement on 09/16/2003 and Pre-Amendment B on 10/30/2003.

#### ***Election/Restrictions***

2. Claims 7-20, 30-61, 76-89, and 119-121 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

3. Applicant's election with traverse of Group I in Paper No. 6 is acknowledged. The traversal is on the ground(s) that examining Group IV will not place a serious burden on the examiner. This is not found persuasive because the subject matter that led to Group IV's restriction – the audit software component of claims 18-20 and 119-121 – will indeed place a serious burden on the examiner. While it is understood that the remaining limitations of claim 18 are found in claim 1, it is the additional subject matter that seriously increases the burden on the examiner since a completely separate search is required for this additional subject matter.

The requirement is still deemed proper and is therefore made FINAL.

4. In view of the addition of new claims 90-121 in Pre-Amendment B, claims 1-6, 21-29, 62-75, and 90-118 have been examined.

#### ***Claim Objections***

5. Claim 20 is objected to because of the following informalities: please change the phrase “the a second of the two queues” in line 3 of the claim to “the second of the two queues”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 75 recites the limitation "the external interface managed elements" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is presumed that claim 75 has inadvertently been written to depend upon claim 65 instead of claim 74.

8. Claim 118 recites the limitation "the external interface managed elements" in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is presumed that claim 118 has inadvertently been written to depend upon claim 107 instead of claim 117.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6, 21-29, 62-75, and 90-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al., U.S. Patent Number 6,105,065 in view of what would have been obvious to one of ordinary skill in the art at the time the invention was made.

11. Referring claims 1 and 62, Rao has taught a computer network, the computer network including a plurality of managed sites (Rao figure 1), wherein each of the managed sites comprises:

- a. at least one manager engine computer coupled to a plurality of managed nodes (Rao figure 1, element 18), the at least one manager engine computer including a

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management software component (Rao figure 1, element 18), the management software component being capable of retrieving and storing data representative of network system state information (Rao figure 7, column 8, lines 12-30, and column 11, line 54 – column 12, line 1), the network system state information comprising relationships among a plurality of managed network elements (Rao figure 7 where the relationships are identified by connecting lines), wherein at least one of the plurality of managed network elements corresponds to one of the plurality of managed nodes (Rao figure 7, and column 11, line 54 – column 12, line 1); and

b. at least one client computer coupled to the at least one manager engine computer (Rao figure 1, element 16b, 16c, 24, 26, 28, 30), the at least one client computer including a data retrieval software component (Rao column 8, lines 12-30), the data retrieval software component being capable of retrieving the data representative of network system state information from the at least one manager engine computer (Rao column 8, lines 12-30).

12. Rao has not expressly disclosed presenting the data representative of network system state information to a user specifically at a client computer. However, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to be able to present this data not only at the network management station (Rao figure 1, element 18; and figure 7), but also to access this data at a client computer. One of ordinary skill in the art would have been motivated to do this in order to allow a network manager to have the freedom to access the network data from any client computer on the network.

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13. Referring to claim 2, Rao has taught the computer network wherein the data representative of network system state information is stored in a database on the at least one manager engine computer (Rao figure 2, element 48; and column 4, lines 34-41), the database comprising data representing information about the plurality of managed network elements (Rao figure 2, element 48; and column 4, lines 34-41).

14. Rao has not expressly disclosed that the information about the plurality of network elements includes, for each element of the plurality of managed network elements, an element type, possible parents of the element, a corresponding assigned manager engine computer for the element, a corresponding command list, if any, for the element, any security restrictions for the managed element, and information relating the element to others of the plurality of managed network elements. However, based on Rao's figure 7, Rao's information gathering of columns 7-11 gathers all information related to node type and all relationships between nodes and specifically clients and servers (Rao figures 7-10). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to gather various types of information relating to the managed network elements (Rao column 8, line 64 – column 9, line 31). One of ordinary skill in the art would have been motivated to do this in order to better inform the analysis of the information regarding the managed network elements by obtaining more types of information.

15. Referring to claim 3, Examiner takes Official Notice (see MPEP § 2144.03) that "a snap-in application" in a computer networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re

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Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

16. Referring to claim 4, Rao has taught the computer network wherein the relationships among the plurality of managed network elements include one-way relationships (Rao figure 7).

17. Referring to claim 5, Rao has taught the computer network wherein the relationships among the plurality of managed network elements include two-way relationships (Rao figure 7).

18. Referring to claim 6, Rao has taught the computer network wherein the data retrieval software component includes a user interface software component (Rao column 6, lines 9-23; column 11, line 54 – column 12, line 38; and figures 7-10), the user interface software component presenting the data representative of network state information to the user by representing each of the plurality of managed network elements with a corresponding icon and by representing the relationships among the plurality of managed network elements with corresponding connectors visibly connecting icons (Rao figure 7).

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19. Referring to claim 21, Examiner takes Official Notice (see MPEP § 2144.03) that “drill down capability” in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

20. Referring to claim 22, Rao has taught the computer network wherein the icons convey property information (Rao figure 7).

21. Referring to claim 23, Rao has taught the computer network wherein the icons include actions icons which facilitate user initiation of actions (Rao figure 7).

22. Referring to claims 24-29, Examiner takes Official Notice (see MPEP § 2144.03) that “base, derived, application, resource, reference, and external interface” types of managed network elements in a computer networking environment were well known in the art at the time the invention was made. See paragraph 15 above.

23. Referring to claim 63 and 73, Rao has taught the manager engine computer wherein the management software component further comprises a root cause evaluation component, the root cause evaluation component facilitating detection of network problems using dependencies incorporated into the series of relationships among managed elements of the network (Rao figure 12 and column 13, lines 36-58).

24. Referring to claim 64, Rao has taught the manager engine computer wherein the management software component further comprises a policy enforcement component, the policy enforcement component facilitating enforcement of network policies in response to a state change in a corresponding one of the managed elements of the network (Rao figure 12 and column 13, lines 36-58).



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25. Claims 65, 67, 68, 70, 72, and 74 do not recite limitations above the claimed invention set forth in claims 24-29 and are therefore rejected for the same reasons set forth in the rejection of claims 24-29 above.

26. Referring to claims 66 and 71, Examiner takes Official Notice (see MPEP § 2144.03) that an "SQL server" in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

27. Referring to claim 69, Examiner takes Official Notice (see MPEP § 2144.03) that "Customer Information Tracking System" in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

28. Referring to claim 75, Examiner takes Official Notice (see MPEP § 2144.03) that a "web application" in a computer networking environment was well known in the art at the time the invention was made. See paragraph 15 above.

29. Claims 90-104 do not recite limitations above the claimed invention set forth in claims 1-6 and 21-29 and are therefore rejected for the same reasons set forth in the rejection of claims 1-6 and 21-29 above.

30. Claims 105-118 do not recite limitations above the claimed invention set forth in claims 62-75 and are therefore rejected for the same reasons set forth in the rejection of claims 62-75 above.

31. Claims 119-121 do not recite limitations above the claimed invention set forth in claims 18-20 and are therefore rejected for the same reasons set forth in the rejection of claims 18-20 above.

*Conclusion*

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Planas et al., U.S. Patent Number 6,112,015

Jain et al., U.S. Patent Number 6,225,999


Madison, Jr. et al. U.S. Patent Number 5,887,139

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Fri. 8:00 am - 5:30 pm with alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703.746.7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

smc  
January 9, 2004

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
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